

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ARTHUR McKINNON, *et al.*,

Plaintiffs,

Case No. C21-5097-BHS-MLP

V.

WASHINGTON DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

ORDER STRIKING MOTION FOR
APPOINTMENT OF COUNSEL

This is a civil rights action proceeding under 42 U.S.C. § 1983. On January 11, 2022,

Plaintiff Arthur McKinnon submitted to this Court for filing a motion seeking appointment of counsel. (Dkt. # 22). Mr. McKinnon submitted with his motion six subpoenas which he asks the Court to issue and return. (*See* dkt. ## 22 at 5, 22-1.) The Court observes, with respect to the motion for appointment of counsel, that the motion was signed by only one of the two Plaintiffs in this action. Rule 11(a) of the Federal Rules of Civil Procedure provides that “[e]very pleading, written motion, and other paper must be signed . . . by a party personally if the party is unrepresented.” Because the motion was not also signed by Elise McKinnon, the co-Plaintiff in this action, the motion is procedurally defective and is not properly before the Court.

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1 With respect to the proposed subpoenas, the Court observes that the subpoenas were not
2 submitted on the Court's forms, do not bear the name of the co-Plaintiff, Mrs. McKinnon, as a
3 requesting party, and are therefore deficient. The Court further observes that three of the
4 subpoenas presented for issuance are directed to the Defendants in this action while three are
5 directed to non-parties. To the extent Plaintiffs are seeking production of documents and/or
6 electronically stored information from Defendants, Plaintiffs should familiarize themselves with,
7 and utilize, the federal discovery rules as set forth in the Federal Rules of Civil Procedure, Rules
8 26-37, rather than the procedures set forth in Rule 45. As to the three subpoenas directed to
9 non-parties, the Court will instruct the Clerk to issue subpoenas in blank which Plaintiffs can
10 then complete and serve on the non-parties in accordance with Rule 45(b).

11 || Based on the foregoing, this Court hereby ORDERS as follows:

12 (1) Plaintiff Arthur McKinnon's motion for appointment of counsel (dkt. # 22) is
13 STRICKEN.

14 (2) The Clerk is directed to issue three subpoenas in blank and forward them to
15 Plaintiffs.

16 (3) The Clerk is further directed to send copies of this Order to Plaintiffs, to counsel
17 for Defendants, and to the Honorable Benjamin H. Settle.

18 || DATED this 7th day of February, 2022.


MICHELLE L. PETERSON
United States Magistrate Judge

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